

REMARKS

Claims 1-44 are pending in the present application. Claims 1-44 are rejected. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

37 C.F.R. §1.131 Affidavit

Turcanu is not discussed in this response as applicants' have sworn behind this alleged prior art via a declaration pursuant to 37 C.F.R. §1.131 attached to this response.

35 U.S.C. 103 Rejection

Claims 1-44 are rejected under 35 U.S.C. 103 as being allegedly unpatentable over Hall et al. (U.S. Patent No. 6,032,051) ("Hall") in view of Turcanu et al. (U.S. Patent Publication No. 2005/0054361) ("Turcanu"). Applicants respectfully traverse the rejection. Applicants believe that neither Hall nor Turcanu, separately or in combination, disclose, teach or suggest the features of registering at the GCS that no response was received from the target.

Applicants' independent claims are generally directed for detecting or announcing presence and/or location information in a wireless communication network. The information is deemed reliable even when a target group member device is turned off, since, in one embodiment, the Global Communication Server (GCS) provides the status based upon, after sending an alert, not receiving an ack from the target group member device. In other words, it is the GCS determining the status of a non-responsive handset, not the handset. As discussed below, Hall does not teach or suggest the feature where a status is not received from the handset. The rejection alleges that Turcanu teaches the elements of the claims not taught by Hall. However, applicant's are submitting a 37 C.F.R. §1.131 affidavit along with this office action swearing behind the Turcanu reference. Therefore, Turcanu is not prior art to the application

and cannot be used to reject the claims. This leaves just Hall as a prior art reference, and as described below, Hall fails to teach each element of the claims.

Hall discloses wireless mobile communications devices which automatically transmit, therebetween, information regarding the status of the devices. Although Hall does disclose the use of a Home location register (HLR) database to maintain information about mobile communication units, Col. 4 lines 57-66, it does not disclose, teach or suggest “registering at the GCS that no response was received from the target.” Therefore, Hall does not teach all the features of the claims, and Applicant respectfully requests allowance on independent Claims 1, 7, 13, 19, 25, 30, 35 and 40.

Dependent Claims

Claims 2-6, 8-12, 14-18, 20-24, 26-29, 31-34, 36-39 and 41-44 depend directly or ultimately from, and include all the subject matter of, claims 1, 7, 13, 19, 25, 30, 35 and 40, and should be allowed for at least the same reasons presented above regarding the independent claims as well as the additionally recited features found in the claims. Because independent claims 1, 7, 13, 19, 25, 30, 35 and 40 are believed to be allowable, Applicant has not argued or otherwise relied on independent patentability of dependent claims, but reserves the right to do so in this or any subsequent proceeding.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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